

## **REMARKS**

Applicants are in receipt of the Office Action mailed May 6, 2004. Claims 5, 11, 29 and 51 have been amended. Claims 1-57 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 112, Second Paragraph, Rejection:**

The Office Action rejected claims 11, 29 and 51 under 35 U.S.C. § 112, second paragraph as indefinite. Claim 11 has been amended to depend from claim 10, which provides antecedent basis for the limitations in claim 11. Claim 29 has been amended to depend from claim 28, which provides antecedent basis for the limitations in claim 29. Claim 51 has been amended to depend from claim 50, which provides antecedent basis for the limitations in claim 51. Applicants submit that these rejections have now been overcome. As such, removal of the 35 U.S.C. § 112, second paragraph, rejection of claims 11, 29 and 51 is respectfully requested.

### **Section 102(e) Rejection:**

The Office Action rejected claims 1-7, 9, 11, 13-26, 29, 31-49, 51 and 53-57 under 35 U.S.C. § 102(e) as being anticipated by Ballantyne et al. (U.S. Patent 6,687,873) (hereinafter "Ballantyne"). For at least the following reasons, Applicants assert that pending claims 1-7, 9, 11, 13-26, 29, 31-49, 51 and 53-57 are not anticipated by Ballantyne.

In regard to claim 1, contrary to the Examiner's assertion, Ballantyne does not teach or suggest accessing a presentation schema in a distributed computing environment, wherein the presentation schema includes information for presenting results data for clients in the distributed computing environment, accessing results data for a client in the distributed computing environment, and presenting the results data for the client in accordance with the information from the presentation schema. Instead, Ballantyne

discloses a method and system for “modifying program applications of a legacy computer system to directly output data in XML format.” (Ballantyne, abstract). The method and system taught by Ballantyne “models the legacy computer system, maps the model to an XML schema, and automatically modifies one or more applications to directly output XML formatted data in cooperation with a writer engine and a context table.” (Ballantyne, abstract).

Ballantyne discloses a “computer system that modifies a legacy computer system to output data in XML format. A code generation system interfaces with [the] legacy computer system to allow the analysis of one or more legacy program applications and the generation of one or more modified legacy program applications. [The] Code generation system also provides a writer engine and context table to [the] legacy computer system. [The] Legacy computer system is then able to directly output XML formatted data when modified legacy program applications call [the] writer engine in cooperation with [the] context table to output syntactically correct XML data.” (Ballantyne, column 6, lines 15-26).

Ballantyne further discloses a “[m]apping engine [that] maps the report incidents from the report data model to the XML schema and this relationship between the report data model and [the] XML schema is displayed on modeling/mapping graphical user interface. By establishing the relationship between the report incidents of [the] legacy program application and the XML schema, [the] mapping engine defines a specification for modification of the legacy program applications to output XML data.” (Ballantyne, column 6, lines 51-59).

Ballantyne further discloses a “[c]ode generation engine [that] accepts [a] modification specification, a copy of the legacy program applications, and [a] context table to generate modified legacy program applications. Based on the modification specification, [the] code generation engine generates source code in the computer language of the legacy computer system that is inserted in [the] legacy program applications to command output of XML data and saves the modified source code as

modified legacy program applications.” (Ballantyne, column 6, line 66-column 7, line 7).

Nowhere does Ballantyne teach or suggest *accessing a presentation schema* including information for presenting results data for clients, *accessing results data* for a client, and *presenting the results data in accordance with the information from the presentation schema*. Instead, Ballantyne discloses a system and method for *modifying* program applications of a legacy computer system to *directly* output data in XML format. In claim 1 of the present application, no such limitation of modification of the client or any other application is described. Further, the information in the presentation schema is used to present results data generated by a client. The results data generated by the client is not limited to XML format or any other particular format. In addition, the presentation of the results data in accordance with the information in the presentation schema is not limited to presentation in XML format or any other particular format.

Applicants also disagree with the Examiner’s statement that Ballantyne teaches outputting the XML formatted data using the XML schema generated from the legacy system. Applicants assert that the XML schema disclosed by Ballantyne is not used in the output of XML-formatted data generated by the legacy system, but instead is used in generating a specification for modification of the legacy program applications to directly output XML data. (Ballantyne, column 6, lines 51-59). The teachings of Ballantyne have very little relevance, if any, to Applicants claimed invention.

The rejection of claim 1 is clearly not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar arguments apply in regard to independent claims 24, 46 and 48.

In regard to claim 42, contrary to the Examiner’s assertion, Ballantyne does not teach or suggest a service device configured to store a presentation schema advertisement on a storage device, wherein the presentation schema advertisement includes information for presenting results data produced by the service device on behalf of a client in a distributed computing system. Instead, Ballantyne discloses a system and method for

*modifying* program applications of a legacy computer system to *directly* output data in XML format, as described above. Ballantyne does teach, in columns 17-18, that this data directly outputted by a modified application in XML format may be stored on storage devices in some legacy systems. For example, Ballantyne discloses “[o]ne example is that internal reports otherwise printed on paper for manual inspection are instead available for storage on a database in XML format. Once electronically stored, the reports are available as electronic information assets for review by a browser or other electronic analysis.” (Ballantyne, column 17, lines 18-23). In claim 42 of the present application, what is stored on a storage device is a *presentation schema advertisement* that includes *information for presenting results data* produced by a service device on behalf of a client, not the results data itself. Further, nowhere does Ballantyne teach or suggest a presentation schema advertisement, nor does Ballantyne teach or suggest a service device configured to produce results data on behalf of a client.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 42 is not supported by the cited art and withdrawal of the rejection is respectfully requested.

Applicants also assert that the rejections of numerous ones of the dependent claims are further unsupported by the cited art. However, since the rejections of each of the independent claims have been shown to be improper, a further discussion of the rejections of the dependent claims is not necessary at this time.

#### **Section 103(a) Rejections:**

The Office Action rejected claims 8, 10, 27, 28 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne, and claims 12, 30 and 52 as being unpatentable over Ballantyne in view of Sravanapudi et al. (U.S. Publication 2001/0049603) (hereinafter “Sravanapudi”). Since the rejections of each of the independent claims have been shown to be improper, Applicants assert that pending dependent claims 8, 10, 12,

27, 28, 30, 50 and 52 are patentable over the cited art, and further discussion of the rejections of the dependent claims is not necessary at this time.

The rejection based on Ballantyne in view of Sravanapudi is further improper because the Examiner has not shown that the teachings of Sravanapudi relied upon in the rejection qualify as prior art to the present application. More specifically, Sravanapudi is a published U.S. patent application that was filed on March 8, 2001, after Applicants' filing date of October 19, 2000. Sravanapudi does claim the benefit of a provisional application filed March 10, 2000. However, the March 10, 2000 filing date can only be used as Sravanapudi's prior art date for the subject matter that is common to both the published application and the provisional application. Since it is common practice for a later filed utility application to include more or different subject matter than its earlier provisional application, it is unclear whether the material in Sravanapudi relied upon by the Examiner was actually present in Sravanapudi's provisional application. Unless the Examiner proves that this material was present in Sravanapudi's provisional application, the rejection is improper. Therefore, Applicants request that the Examiner provide a copy of Sravanapudi's provisional application and show that the subject matter on which the Examiner is relying on to reject Applicants' claims is also present in Sravanapudi's provisional application. Until the Examiner has made this showing, the rejection is improper. *See, In re Wertheim*, 209 USPQ 554 (CCPA 1981).

Moreover, Sravanapudi's published application is not entitled to the March 10, 2000 date as a prior art date unless at least one claim of Sravanapudi's published application is supported (under 35 U.S.C. § 112) in the provisional application. Under 35 U.S.C. 119(e)(1), a published utility application is not entitled to its provisional application's filing date as a prior art date unless at least one claim of the published utility application is supported (per 35 U.S.C. § 112) in the provisional application. The rejection is improper unless the Examiner can show that Sravanapudi's published application has the necessary claim support in the provisional application to be entitled to the provisional application's filing date as its prior art date. *See also* M.P.E.P. § 2136.03(IV).

The Examiner has the burden of proof to produce the factual basis for the rejection. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). Since the Examiner has not proven that both of the above requirements have been met for Sravanapudi's teachings to qualify as prior art, the Examiner has not met this burden of proof and the rejection is improper.

## CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-57700/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (        ).
- ☐ Other:

Respectfully submitted,

  
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